

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 08, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JARED ANTHONY WINTERER,
Petitioner,
v.
SOLICITOR GENERAL OF THE
UNITED STATES,
Respondent.

No. 2:25-CV-00141-SAB

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION**

By Order filed June 4, 2025, the Court directed Petitioner, an individual incarcerated at the Washington Corrections Center in Shelton, Washington, to show cause why the Court should grant his application to proceed *in forma pauperis* under 28 U.S.C. § 1915(g). ECF No. 6. In the alternative, Petitioner could have paid the \$405.00 filing fee (\$350.00 statutory filing fee, plus \$55.00 administrative fee). *Id.* The Petition for Writ of Mandamus challenges a failure to provide adequate medical treatment in 2004/2005. ECF No. 1.

On June 10, 2025, the Court received Petitioner's Response/First Amended Complaint. ECF No. 9. Petitioner asserts that his hypopituitarism was not properly treated when he suffered a brain injury in 2004, due to a failure of Congress to enact appropriate legislation. ECF No. 9-2 at 1. He states, "I had to learn what to do and how to treat my injuries but have never had the essence of human dignity

**ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND
DISMISSING ACTION # 1**

1 inherent in every person. I blame United States. I haven't been able to leave this
2 country. Incriminating me with serious injuries and punishment a person using the
3 abeyance of human dignity, still makes my life inhumane." *Id.* He further asserts,
4 "Civilized society incriminates and punishes me because United States hasn't
5 taught the state and state employees how to test, treat, or handle my mental health
6 condition." *Id.* at 2.

7 He contends "a hospital left me in imminent danger 20 years ago by failing
8 to identify my emergency in order to prevent injury on 10-3-2004 or stabilize my
9 condition or transfer me for appropriate treatment before discharge on 1-7-2005
10 after the prolonged coma I was in. Rather than get the treatment I need, I've
11 adapted while getting harmed. United States let the imminent danger go on too
12 long, that's oppression[.]" *Id.*

13 Having reviewed Petitioner's submissions, the Court finds that he has failed
14 to demonstrate that he is eligible to proceed *in forma pauperis* under 28 U.S.C. §
15 1915(g), or that he was under imminent danger of serious physical injury when he
16 filed this lawsuit. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055–56 (9th Cir.
17 2007). Therefore, Petitioner has lost the privilege of filing this lawsuit *in forma*
18 *pauperis*. Because Petitioner did not avail himself of the opportunity to pay the
19 \$405.00 filing fee, he may not proceed with this action.

20 Accordingly, **IT IS HEREBY ORDERED:**

21 1. Petitioner's applications to proceed *in forma pauperis*, ECF Nos. 2
22 and 6, are **DENIED**.

23 2. This action is **DISMISSED WITHOUT PREJUDICE** for non-
24 payment of the filing fee as required by 28 U.S.C. § 1914.

25 3. All pending Motions, including Petitioner's Motion for Injunctive
26 Relief, **ECF No. 5**, are **DENIED as moot**.

27 4. The Clerk of Court shall **CLOSE** the file.

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**ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS AND
DISMISSING ACTION # 2**

1 5. The Court certifies any appeal of this dismissal would not be taken in
2 good faith.

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
4 enter judgment and provide copies to Petitioner.

5 **DATED** this 8th day of July 2025.



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A handwritten signature in green ink that reads "Stan Bastian". The signature is written in a cursive, flowing style.

Stan Bastian
Chief United States District Judge